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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROY ADAMS, ROBERT EGGERT,
MICHAEL FERRIS, ED HALL, ROHIT
SINGH, DUJUAN NICKSON, and
DONTRELL BUNTER, on behalf of
themselves and a class of those similarly
situated,

Plaintiffs,

v.

INTER-CON SECURITY SYSTEMS,
INC., d/b/a INTER-CON SECURITY
SERVICES, INC.,

Defendant.

Case No. C-06-5428 MHP

**~~PROPOSED~~ ORDER GRANTING
APPLICATION FOR ATTORNEYS' FEES
AND COSTS**

Date: February 25, 2008

Time: 2:00 p.m.

Courtroom: 15

Judge: Hon. Marilyn Hall Patel

1 WHEREAS, the Court having considered the Joint Stipulation of Class Settlement
2 Between Plaintiffs And Defendant, Settlement Agreement And Release (the "Settlement
3 Agreement"), and having preliminarily approved the same on October 29, 2007;

4 WHEREAS, the Court having entered an Order directing that notice be given to the
5 Class Members, and notice having been individually mailed to the Class Members, and the Court
6 having conducted a Fairness Hearing concerning the proposed settlement;

7 WHEREAS, the Court having reviewed Class Counsel's Application for Attorneys' Fees
8 and Costs; Memorandum of Points and Authorities in Support Thereof; and

9 WHEREAS, the Court having reviewed the entire record of this action, and good cause
10 appearing,

11 **IT IS HEREBY ORDERED:**

12 1. The Court has jurisdiction over the subject matter of this action, the Defendant, and the
13 Classes.

14 2. Notice of the requested award of attorneys' fees and reimbursement of costs and
15 expenses was directed to Class Members in a reasonable manner, and complies with Rule
16 23(h)(1) of the Federal Rules of Civil Procedure;

17 3. Class Members and any party from who payment is sought have been given the
18 opportunity to object in compliance with Fed. R. Civ. P. 23(h)(2);

19 4. The requested award of \$1,000,000 in attorneys' fees is supported by the percentage of
20 the common fund approach, and this Circuit's benchmark of 25 percent. *See, e.g., Paul, Johnson,*
21 *Alston & Hunt v. Gaulty*, 886 F.2d 268 (9th Cir. 1989); *Six Mexican Workers v. Arizona Citrus*
22 *Growers*, 904 F.2d 1301 (9th Cir. 1990); *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043 (9th Cir.
23 2002). The Court reaches this conclusion based on attorneys' fees awards issued in similar cases,
24 and the fact that the common fund of \$4,000,000 was created for Class Members through the
25 efforts of Class Counsel;

26 5. The requested award of attorneys' fees is also justified by a lodestar analysis. The
27 Court has reviewed the hours devoted to this case by Class Counsel and concludes that they are
28 reasonable. The Court has reviewed the hourly rates used by Class Counsel in calculating their


1 lodestar fees and concludes that these rates are appropriate for attorneys in this locality of Class
2 Counsel's skill and experience. Based on these hours and rates, Class Counsel's lodestar fees
3 exceed \$1,000,000; and

4 6. The \$83,559.80 in litigation costs and expenses incurred by Class Counsel have been
5 adequately documented and were reasonably incurred for the benefit of the Class, and the Court
6 finds that reimbursement of these costs and expenses is justified;

7 **THE COURT HEREBY ORDERS:**

8 Class Counsel are hereby awarded attorneys' fees in the amount of \$1,000,000 and
9 reimbursement of costs and expenses in the amount of \$83,559.80.

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11 Dated: February 25, 2008

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13 Honorable Marilyn Hall Patel
14 United States District Judge
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